

DOCUMENT RESUME

08036 - [C3488587]

[Reimbursement of Retired Employee's Real Estate Expenses].
B-192486. December 12, 1978. 2 pp.

Decision re: Edgar K. Scarr; by Robert F. Keller, Deputy
Comptroller General.

Contact: Office of the General Counsel: Personnel Law Matters
II.

Organization Concerned: Department of Housing and Urban
Development: San Francisco Area Office, CA.

Authority: 5 U.S.C. 5724. 5 U.S.C. 5722. 54 Comp. Gen. 991.
P.T.R. (FPHR 101-7).

A former employee stationed in Guam claimed
reimbursement of real estate expenses for the sale of his Guam
residence upon his voluntary retirement and return to the
continental United States. He may not be reimbursed since
reimbursement of real estate expenses is authorized only upon a
permanent change of duty station. (MTW)

DECISION

A. H. [Signature]
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

8587**FILE: B-192 36****DATE: December 12, 1978****MATTER OF: Mr. Edgar K. Scarr - Real estate expenses**

DIGEST: Employee located in Guam who returned to continental United States upon voluntary retirement may not be reimbursed real estate expenses incurred in the sale of his Guam residence since reimbursement of real estate expenses is authorized only upon a permanent change of duty station. 54 Comp. Gen. 991 (1975).

This action is in response to a request from the Director Accounting, Department of Housing and Urban Development, Regional Office, San Francisco, California, for a decision on the claim of Mr. Edgar K. Scarr, a former employee stationed in Guam, for reimbursement of real estate expenses upon his retirement and return to the continental United States.

Mr. Scarr submitted a travel request and authorization form which was for use in change of station travel. On this form he indicated that he would sell or had sold his Guam residence and indicated the estimated cost as \$3,500. However Mr. Scarr was not traveling pursuant to a transfer of station but on voluntary retirement and return from Guam to Petaluma, California.

The submission states that pertinent statutes and regulations permit such reimbursement only when there is a permanent change of duty station. Since the return from Guam for purposes other than assuming a new Government position does not constitute a permanent change of station it is indicated that his claim for reimbursement of real estate expenses does not appear allowable.

The real estate expense reimbursement is authorized by 5 U.S.C. § 5724a (1976) in pertinent part as follows:


"(4) Expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old station and purchase of a home at the new official station required to be paid by him when the old and new official stations are

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located within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Canal Zone. * * *" (Emphasis supplied.)

We held in 54 Comp. Gen. 991 (1975) that a Federal Aviation Administration employee located in Alaska who returned to the United States when his position was abolished was not authorized expenses incurred in selling his Alaska residence. Our decision was based on the fact that no permanent change of station was involved and that returning employees in those circumstances is covered by 5 U.S.C. § 5724(d) (1976) which limits expenses reimbursed to those authorized for new appointees under 5 U.S.C. § 5722 (1976), paragraph 2-6.4 of the Federal Travel Regulations, FPMR 101-7 (May 1973). The law and regulations in this regard have not been changed and would apply in connection with Mr. Scarr's voluntary retirement.

Accordingly, Mr. Scarr's real estate expenses may not be reimbursed.


Deputy Comptroller General
of the United States